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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,695	07/16/2004	Tatsuhiko Suzuki	OOCL-163 (PC-P1780US	6636

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EXAMINER	
SMITH, PHILIP ROBERT	

ART UNIT	PAPER NUMBER
3739	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/501,695	SUZUKI, TATSUHIKO	
	Examiner	Art Unit	
	Philip R. Smith	3739	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 5-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 5-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

[01] A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2006 has been entered.

Specification

[02] The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

[03] Outstanding claim objections are withdrawn in view of the amendments of 3/17/2006.

Claim Rejections - 35 USC § 102

[04] The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

[05] Claims 1, 5-10, 12 & 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (6,491,628).

[06] With regard to claims 1 & 10: Kobayashi discloses an electronic endoscope system comprising:

[06a] an endoscope ("10") having a solid-state imaging device ("12");

[06b] a signal processing unit (comprising "17," "21" & "26") which receives a signal from the solid-state imaging device and converts the signal into a video signal;

[06c] a detector (composing "system control circuit 34") provided in the signal processing unit, the detector detecting the type of the solid-state imaging device ("the [pixel number and pixel array] data is read from the EEPROM 15 and fed to the system control circuit 34... the size of the image area NA is predetermined in accordance with the pixel number of the CCD 12" 6/52-65) which sends the signal to the signal processing unit;

[06d] a directing unit (further composing "system control circuit 34") for providing, to the signal processing unit, a signal processing directive according to a selection by an operator ("monitor 50" comprising "a transparent and colorless touch panel TP," 15/13), the directing unit having a directive displaying unit for displaying contents of directives which can be selected to the operator ("a given position on the screen of the monitor 50... is indicated by the operator's finger," 15/16); and

[06e] a restricting portion (further composing "system control circuit 34") for restricting the displaying of the contents of the directives in the directive displaying unit ("when the touched position is outside the image-area NA, the magnifying process is not performed," 15/41) according to the result of

detecting performed by the detector (NA is determined in accordance with the data stored in the EEPROM, as noted above).

[07] With regard to claims 5-6: Kobayashi discloses that the directing unit further includes a switch ("shift key 51E on the keyboard 51," 7/3) on the keyboard/front panel of the signal processing unit ("keyboard 51"), and wherein the restricting portion further restricts handling of the switch ("when it is determined that the position of the pointer P is not within the image-area NA... the process returns to Step 402 without shifting the pointer P, so that the pointer P remains within the image-area NA," 16/60-64).

[08] With regard to claim 7: Kobayashi discloses that the processing to be performed by the signal processing unit may be electronic zooming ("[t]he electronic endoscope of the present invention has a function for magnifying a specific portion of the displayed observed image," 1/66).

[09] With regard to claim 8: Kobayashi discloses that the restricting portion further restricts indication of a feature (by preventing the pointer P from re-centering or magnifying the image outside the image area NA, as noted above) that achieves the signal processing directive to be restricted.

[10] With regard to claim 9: Kobayashi discloses that the signal processing directive to be restricted is enlargement based on electronic zooming, and the presentation of an electronic zooming magnification is restricted ("If the function key 51F is operated when the normal-image and the pointer P is displayed on the monitor 50,

a magnified image, which is a magnified image of a specific portion, is displayed such that the position indicated by the pointer P becomes the center of the magnified image," 7/17).

[11] With regard to claim 12: Kobayashi discloses that the restricting portion displays unavailable directives in the directive displaying unit in a manner that indicates such unavailability to the operator (as indicated by the image-area NA, as noted above).

[12] With regard to claim 14: Kobayashi discloses an electronic endoscope system comprising:

[12a] an endoscope ("10") having a solid-state imaging device ("12");

[12b] a signal processing unit (comprising "17," "21" & "26") which receives a signal from the solid-state imaging device and converts the signal into a video signal;

[12c] a detector (composing "system control circuit 34") provided in the signal processing unit, the detector detecting the type of the solid-state imaging device ("the [pixel number and pixel array] data is read from the EEPROM 15 and fed to the system control circuit 34... the size of the image area NA is predetermined in accordance with the pixel number of the CCD 12" 6/52-65) which sends the signal to the signal processing unit;

[12d] a switch ("51E" as noted above) for accepting a user input to instruct signal processing by the signal processing unit, the switch being provided in the

electronic endoscope system; and

[12e] a restricting portion for restricting the instruction, from the switch, input by a user based solely on the type of solid-stage imaging device detected by the detector ("when it is determined that the position of the pointer P is not within the image-area NA... the process returns to Step 402 without shifting the pointer P, so that the pointer P remains within the image-area NA," 16/60-64).

Claim Rejections - 35 USC § 103

[13] The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

[14] Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi.

[15] The signal processing unit disclosed by Kobayashi is inherently capable of implementing basic features and performing extension processing on the image signal.

[16] Kobayashi discloses the claimed invention except for a "main board" delineated from an "expansion board," which compose the disclosed signal processing unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct a signal processing unit with a "main board" and an "expansion board," since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

[17] A skilled artisan might be motivated to provide extension processing on an expansion board separate from the main board in order to provide specialized extension processing for individual apparatuses.

[18] The signal processing unit disclosed by Kobayashi is inherently capable of "detecting" its component parts.

Additional Claim Rejections - 35 USC § 103

[19] Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Yarush (6,692,432).

[20] Kobayashi discloses a directing unit and a restricting unit, as noted above. Kobayashi does not disclose that the directing unit comprises an LED on the front panel. Kobayashi does not disclose that the restricting unit restricts lighting of the LED.

[21] Yarush discloses a directing unit comprising an LED on a front panel ("light emitting diode 624," 31/47), the lighting of which may be restricted by a restricting unit ("on/off switch 622," which "indicates that the power has been turned on").

[22] At the time of the invention, it would have been obvious to a person of ordinary skill in the art that Kobayashi's endoscope apparatus, which inherently has power switch, have an LED which indicates that the power has been turned on. The "light emitting diode 624" may compose the directing unit, and the "on/off switch 622" may compose the restricting unit. A skilled artisan would be motivated to provide an LED which indicates the on/off state of the power delivered to the

endoscope because this indicates the status of the power supply.

Additional Claim Rejections - 35 USC § 103

[23] Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Sugimoto (2003/0197781).

[24] Kobayashi discloses a restricting portion which displays unavailable directives in the directive displaying unit. Kobayashi does not disclose that the unavailability of points outside the image-area NA is indicated by hatching.

[25] Sugimoto discloses that "[if] the number of pixel in the imaging device 31, 51 is smaller than that in the screen of the TV monitor 25, thus there is margin, an area where no image is displayed, indicated as a hatched portion 72" ([0041]).

[26] At the time of the invention, it would have been obvious to a person of ordinary skill in the art that in reduction to practice, the unavailable area outside the image-area NA disclosed by Kobayashi be indicated as a hatched portion, as instructed by Sugimoto. A skilled artisan would be motivated to do so because hatching is well-known way to indicate unavailability.

Response to Arguments

[27] Applicant's arguments filed 3/17/2006 have been fully considered but they are not persuasive.

[28] Applicant contends that "[i]n the Kobayashi patent, the user may use a keyboard to enter and send their instruction. However, the Kobayashi patent does not indicate (e.g., preclude the display of, and/or actively display) which operation is

invalidated in accordance with the type of CCD." As noted above, the Kobayashi patent clearly indicates the magnification outside the image-area NA is invalidated in accordance with the type of CCD.

[29] Applicant correctly notes that, with regard to the Kobayashi patent, "when the pointer specifies a location that would cause the are to extend beyond the border of an image, the endoscope may restrict enlargement." Given that the "border of an image" is determined based solely on the type of CCD detected, Kobayashi is found to anticipate claim 14.

Conclusion

[30] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip R. Smith whose telephone number is (571) 272 6087 and whose email address is philip.smith@uspto.gov. The examiner can normally be reached between 9:00am and 5:00pm.

[31] If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764.

[32] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[33] prs

John P. Leubecker
Primary Examiner